

Decisions announced without Opinions.

DECISIONS ANNOUNCED WITHOUT OPINIONS  
DURING THE TIME COVERED BY THIS VOLUME.

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No. 157. *FARMERS' BANK OF NORBORNE v. ROSELLE*. Error to the Supreme Court of the State of Missouri. Motions to dismiss or affirm. Submitted November 1, 1898. Decided November 7, 1898. *Per Curiam*. Writ of error dismissed on the authority of *Meyer v. Cow*, 169 U. S. 735; *McLish v. Roff*, 141 U. S. 661; *Missouri v. Andriano*, 138 U. S. 496; *Dower v. Richards*, 151 U. S. 666; *Insurance Company v. Kirchoff*, 160 U. S. 374. *Mr. William B. King* and *Mr. William E. Harvey* for motions. *Mr. Morton Jourdan* opposing.

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No. 400. *ROSS v. KING*. Error to the Supreme Court of the State of Rhode Island. Motions to dismiss or affirm. Submitted October 31, 1898. Decided November 7, 1898. *Per Curiam*. Writ of error dismissed on the authority of *Oxley Stave Company v. Butler County*, 166 U. S. 648; *Pim v. St. Louis*, 165 U. S. 373; *Zadig v. Baldwin*, 166 U. S. 485; *Kipley v. Illinois*, 170 U. S. 182. *Mr. John H. Glover* and *Mr. Stephen H. Olin* for motions. *Mr. Heber J. May* and *Mr. J. M. Wilson* opposing.

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No. 304. *CLIFFORD v. HELLER*. Appeal from the Circuit Court of the United States for the District of New Jersey. Argued November 11, 1898. Decided November 14, 1898. Order affirmed with costs. *Mr. William D. Daly* for appellant. *Mr. James S. Erwin* for appellee.

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No. 266. *UNITED STATES AND COMANCHE INDIANS v. HOOD*. Appeal from the Court of Claims. Argued October 24 and 25,  
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1898. Decided November 14, 1898. Judgment affirmed by a divided court. *Mr. Attorney General, Mr. Assistant Attorney General Thompson and Mr. Charles W. Russell* for appellants. *Mr. William B. King, Mr. Silas Hare and Mr. John W. Clark* for appellee.

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Nos. 62 and 63. SIOUX CITY, O'NEILL AND WESTERN RAILWAY COMPANY *v.* MANHATTAN TRUST COMPANY. Certificate from the United States Circuit Court of Appeals for the Eighth Circuit. Argued November 11, 1898. Decided November 14, 1898. *Per Curiam*. Certificate dismissed on the authority of *United States v. Union Pacific Railway Company*, 168 U. S. 512, and cases cited; *Cross v. Evans*, 167 U. S. 60; *Warner v. New Orleans*, 167 U. S. 467; *Packer v. Nixon*, 10 Peters, 408; *Wiggins v. Gray*, 24 How. 303; *Enfield v. Jordan*, 119 U. S. 680. *Mr. John C. Coombs and Mr. Henry J. Taylor* for the Railway Company. *Mr. G. W. Wickersham, Mr. John L. Webster and Mr. John L. Cadwalader* for the Trust Company.

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No. 56. UNITED STATES *v.* VAN DERSTINE. Appeal from the Court of Claims. Argued and submitted November 8 and 9, 1898. Decided December 5, 1898. Judgment affirmed by a divided court. *Mr. Attorney General, Mr. Assistant Attorney General Pradt and Mr. George H. Gorman* for appellant. *Mr. Russell Duane and Mr. Harvey Spalding* for appellee.

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No. 233. HOLDEN *v.* WATSON. Error to the Supreme Court of the State of Kansas. Motion to dismiss submitted November 30, 1898. Decided December 5, 1898. Dismissed with costs on motion of counsel for plaintiff in error. *Mr. Orrin L. Miller and Mr. O. H. Dean* for plaintiff in error. *Mr. Silas Porter* for defendant in error.

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No. 70. ST. LOUIS AND SAN FRANCISCO RAILWAY COMPANY *v.* BARKER. Error to the United States Circuit Court of Appeals for the Eighth Circuit. Argued for plaintiff in error December 7, 1898. Decided December 12, 1898. Judgment affirmed with costs and cause remanded to the United States Court in the Indian Territory, Central District. *Mr. L. F. Parker*, *Mr. A. T. Britton* and *Mr. A. B. Browne* for plaintiff in error. No brief filed for defendant in error.

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No. 77. WHEELER *v.* McBLAIR. Appeal from the Court of Appeals of the District of Columbia. Argued December 7, 1898. Decided December 12, 1898. Decree affirmed with costs. *Mr. Alfonso Hart* and *Mr. C. A. Keigwin* for appellant. *Mr. J. J. Darlington* for appellees.

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No. 68. CHAPLIN *v.* UNITED STATES. Appeal from the Court of Claims. Argued December 7 and 8, 1898. Decided December 12, 1898. *Per Curiam*. Judgment reversed and cause remanded with a direction to enter judgment for the claimant on the authority of *United States v. Elliott*, 164 U. S. 373. *Mr. James Lowndes* for appellant. *Mr. Attorney General* and *Mr. Assistant Attorney General Pradt* for appellee.

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No. 69. FULLER *v.* UNITED STATES. Appeal from the Court of Claims. Argued December 7 and 8, 1898. Decided December 12, 1898. *Per Curiam*. Judgment reversed and cause remanded with a direction to enter judgment for the claimants on the authority of *United States v. Elliott*, 164 U. S. 373. *Mr. James Lowndes* for appellant. *Mr. Attorney General* and *Mr. Assistant Attorney General Pradt* for appellee.

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No. 78. UNITED STATES *v.* KIDDER. Appeal from the Court of Claims. Argued December 7 and 8, 1898. Decided December 12, 1898. *Per Curiam*. Judgment affirmed on the au-

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thority of *United States v. Elliott*, 164 U. S. 373. *Mr. Attorney General* and *Mr. Assistant Attorney General Pradt* for appellant. *Mr. James Lowndes* for appellees.

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No. 111. *HARMON, RECEIVER, v. NATIONAL PARK BANK OF THE CITY OF NEW YORK*. Error to the United States Circuit Court of Appeals for the Second Circuit. Argued January 6, 1899. Decided January 9, 1899. *Per Curiam*. Judgment affirmed with costs, on the authority of *Pauly v. State Loan & Trust Co.*, 165 U. S. 606, and cause remanded to the Circuit Court of the United States for the Southern District of New York with a direction to render judgment in accordance with the mandate of the United States Circuit Court of Appeals. *Mr. Frederic J. Swift* for plaintiff in error. *Mr. Louis F. Doyle* for defendant in error.

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No. 104. *KINNEAR v. BAUSMAN, RECEIVER*. Appeal from the United States Circuit Court of Appeals for the Ninth Circuit. Submitted December 13, 1898. Decided January 9, 1899. *Per Curiam*. Dismissed for the want of jurisdiction on the authority of *Union Mutual Life Insurance Company v. Kirchoff*, 160 U. S. 374, and cases cited. *Mr. George Turner* for appellant. *Mr. Frederick Bausman* for appellee.

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No. 256. *BLYTHE COMPANY v. BLYTHE*. Appeal from the Circuit Court of the United States for the Northern District of California. Motions to dismiss or affirm. Submitted December 19, 1898. Decided January 9, 1899. *Per Curiam*. Dismissed for the want of jurisdiction on the authority of *Smith v. McKay*, 161 U. S. 355; *Black v. Black*, 163 U. S. 678; *Tucker v. McKay*, 164 U. S. 701; *Carey v. Houston Railway*, 150 U. S. 170; *S. C.*, 161 U. S. 115; *Ex parte Railroad Company*, 95 U. S. 221; *Cross v. Del Valle*, 1 Wall. 1; *Rouse v. Letcher*, 156 U. S. 47. *Mr. F. D. McKenney*, *Mr.*

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*Wm. H. H. Hart, Mr. John Garber and Mr. Robert Y. Hayne* for motions. *Mr. George W. Towle, Jr., Mr. John F. Dillon and Mr. E. S. Pillsbury* opposing.

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No. 100. SANTA FÉ, PRESCOTT AND PHOENIX RAILWAY COMPANY *v.* HURLEY. Error to the Supreme Court of the Territory of Arizona. Submitted January 3, 1899. Decided January 16, 1899. Judgment affirmed with costs and interest by a divided court. *Mr. George W. Kretzinger* for plaintiff in error. *Mr. William H. Barnes* for defendant in error.

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Nos. 115, 116 and 117. MCCOOK ET AL., RECEIVERS, *v.* WOOD, ADMINISTRATOR. Error to the United States Circuit Court of Appeals for the Eighth Circuit. Argued and submitted January 11, 1899. Decided January 16, 1899. Judgments affirmed with costs and causes remanded to the Circuit Court of the United States for the Western District of Arkansas. *Mr. L. F. Parker* for plaintiffs in error. *Mr. Oscar L. Miles* for defendant in error.

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No. 126. UNITED STATES *v.* MORGAN. Appeal from the Court of Claims. Submitted January 11, 1899. Decided January 16, 1899. Judgment affirmed on the authority of *United States v. Jones*, 134 U. S. 483; *United States v. Barber*, 140 U. S. 164. *Mr. Attorney General* and *Mr. Assistant Attorney General Pradt* for appellant. *Mr. C. C. Lancaster* for appellee.

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No. 110. KING *v.* WILLIAMSON. On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit. Submitted January 5, 1899. Decided January 23, 1899. Decree affirmed with costs, and cause remanded to the Circuit Court of the United States for the District of West Virginia. *Mr. Maynard F. Stiles* for King. No appearance for Williamson.

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No. 605. ROESEL *v.* KIRK, SHERIFF. Appeal from the Circuit Court of the United States for the District of New Jersey. Submitted January 9, 1899. Decided January 23, 1899. *Per Curiam*. Final order affirmed, with costs, on the authority of *Kohl v. Lehlback*, 160 U. S. 293; *Bergemann v. Backer*, 157 U. S. 655; *Lambert v. Barrett*, 157 U. S. 697; *Lambert v. Barrett*, 159 U. S. 661; *Andrews v. Swartz*, 156 U. S. 272. *Mr. Frank Bergen* for appellant. *Mr. Nicholas C. J. English* for appellee.

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*Decisions on Petitions for Writs of Certiorari.*

No. 448. SPURR *v.* UNITED STATES. Sixth Circuit. Granted November 7, 1898. *Mr. B. P. Waggener*, *Mr. A. H. Horton* and *Mr. John A. Pitts* for petitioner. *Mr. Attorney General* and *Mr. Solicitor General* opposing.

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No. 463. MORRIS *v.* STEWART. Seventh Circuit. Denied November 7, 1898. *Mr. Charles H. Aldrich* for petitioner. *Mr. Samuel P. McConnell*, *Mr. Horace K. Tenney* and *Mr. H. M. Pollard* opposing.

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No. 352. KUMLER *v.* HALE. Sixth Circuit. Denied November 14, 1898. *Mr. O. S. Brumback* for petitioner. *Mr. Barton Smith*, *Mr. Rufus H. Baker* and *Mr. John P. Wilson* opposing.

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No. 434. ATLAS STEAMSHIP COMPANY *v.* STEAMSHIP "LA BOURGOGNE." Second Circuit. Denied November 14, 1898. *Mr. Everett P. Wheeler* for petitioner. *Mr. Edward K. Jones* opposing.

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No. 603. WHEELER *v.* STEAMSHIP "LA BOURGOGNE." Second Circuit. Denied November 14, 1898. *Mr. Everett P. Wheeler* for petitioner. *Mr. Edward K. Jones* opposing.

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No. 597. MICHIGAN STOVE COMPANY *v.* FULLER WARREN COMPANY. Seventh Circuit. Denied November 28, 1898. *Mr. Ephraim Banning* and *Mr. Thomas A. Banning* for petitioner. *Mr. Edward P. Vilas* and *Mr. Elias H. Bottum* opposing.

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No. 468. DEAN LINSEED OIL COMPANY *v.* UNITED STATES. Second Circuit. Denied December 5, 1898. *Mr. Elihu Root* and *Mr. S. B. Clarke* for petitioner. *Mr. Attorney General* and *Mr. Solicitor General* opposing.

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No. 595. LAKE STREET ELEVATED RAILROAD COMPANY *v.* ZIEGLER. Seventh Circuit. Denied December 5, 1898. *Mr. Charles H. Aldrich* for petitioner. *Mr. John J. Herrick* opposing.

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No. 622. CITIZENS' BANK OF TINA *v.* ADAMS. Seventh Circuit. Denied December 12, 1898. *Mr. Francis A. Riddle* for petitioner. *Mr. Mason B. Loomis* opposing.

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No. 630. UNITED STATES *v.* HARRIS ET AL., RECEIVERS. Third Circuit. Granted December 19, 1898. *Mr. Attorney General* and *Mr. Solicitor General* for petitioner.

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No. 631. LIVERPOOL AND LONDON AND GLOBE INSURANCE COMPANY *v.* McNEILL, RECEIVER. Ninth Circuit. Denied December 19, 1898. *Mr. William Allen Butler* and *Mr. John Notman* for petitioner. *Mr. L. B. Cox* opposing.

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No. 626. TAYLOR, GOVERNOR, *v.* LOUISVILLE AND NASHVILLE RAILROAD COMPANY. Sixth Circuit. Denied December 19, 1898. *Per Curiam*. This is an application for a writ of

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certiorari to review a decree of the Circuit Court of Appeals for the Sixth Circuit on appeal from an interlocutory order, and is denied on the authority of *Chicago and Northwestern Railway Company v. Osborne*, 146 U. S. 354; *Forsyth v. Hammond*, 166 U. S. 506. *Mr. George W. Pickle*, *Mr. William L. Granbery*, and *Mr. Albert D. Marks* for petitioner. *Mr. J. M. Dickinson* opposing.

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No. 638. *INTERNATIONAL BANK OF ST. LOUIS v. FABER*. Second Circuit. Denied January 9, 1899. *Mr. Robert D. Murray* for petitioner. *Mr. Francis Forbes* opposing.

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No. 655. *DONNELL v. BOSTON TOWBOAT COMPANY*. First Circuit. Denied January 9, 1899. *Mr. Eugene P. Carver* and *Mr. Edward E. Blodgett* for petitioner. *Mr. Lewis S. Dabney* and *Mr. Frederic Cunningham* opposing.

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No. 640. *CITY OF NEW ORLEANS v. WARNER*. Fifth Circuit. Granted January 16, 1899. *Mr. Samuel L. Gilmore* and *Mr. Branch K. Miller* for petitioner. *Mr. Richard De Gray*, *Mr. J. D. Rouse*, *Mr. William Grant* and *Mr. Wheeler H. Peckham* opposing.

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No. 663. *DELAFIELD v. HOSPITAL OF THE PROTESTANT EPISCOPAL CHURCH IN PHILADELPHIA*. Third Circuit. Denied January 16, 1899. *Mr. D. T. Watson* and *Mr. A. P. Burgwin* for petitioner.

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No. 665. *BROWN v. CRANBERRY IRON AND COAL COMPANY*. Fourth Circuit. Denied January 16, 1899. *Mr. Theodore F. Davidson* and *Mr. Charles A. Moore* for petitioner.

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No. 667. *CADWALADER, LATE COLLECTOR, v. MEYER AND DIKENSON*. Third Circuit. Granted January 16, 1899. *Mr. At*



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*torney General* and *Mr. Solicitor General* for petitioner. *Mr. Frank P. Prichard* opposing.

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No. 668. *WILLS v. JONES*. Court of Appeals of the District of Columbia. Denied January 23, 1899. *Mr. D. W. Baker* for petitioner. *Mr. Chapin Brown* opposing.

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No. 662. *SAYERS v. BURKHARDT*. Fourth Circuit. Denied January 23, 1899. *Mr. Holmes Conrad* for petitioner. *Mr. J. R. Sypher* opposing.

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No. 672. *SCOTT v. LATIMER, RECEIVER*. Eighth Circuit. Denied January 23, 1899. *Mr. H. F. Stevens* for petitioner.

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No. 675. *CROSSMAN v. BURRILL*. Second Circuit. Granted January 23, 1899. *Mr. Everett P. Wheeler* for petitioner. *Mr. Laurence Kneeland* opposing.

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No. 677. *ROEHM v. HORST*. Third Circuit. Granted January 23, 1899. *Mr. R. C. Dale* and *Mr. Samuel Dickson* for petitioner. *Mr. Frank P. Prichard* opposing.

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No. 681. *CHICAGO, ROCK ISLAND AND PACIFIC RAILWAY COMPANY v. ST. JOSEPH UNION DEPOT COMPANY*. Eighth Circuit. Denied January 30, 1899. *Mr. L. C. Krauthoff* for petitioner. *Mr. C. A. Mosman* and *Mr. O. M. Spencer* opposing.

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No. 687. *SAVILLE, CLAIMANT, v. AMERICAN SUGAR REFINING COMPANY*. Second Circuit. Denied January 30, 1899. *Mr.*

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*J. Parker Kirlin* for petitioner. *Mr. Harrington Putnam* opposing.

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No. 689. *LI SING v. UNITED STATES*. Second Circuit. Granted January 30, 1899. *Mr. Wm. C. Beecher* for petitioner. *Mr. Attorney General*, *Mr. Solicitor General* and *Mr. H. L. Burnett* opposing.

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No. 691. *AMERICAN NATIONAL BANK OF DENVER v. NORTH-WESTERN MUTUAL LIFE INSURANCE COMPANY*. Eighth Circuit. Denied January 30, 1899. *Mr. T. J. O'Donnell* and *Mr. Milton Smith* for petitioner. *Mr. John H. Denison* opposing.